REMARKS

This amendment responds to the Office Action mailed January 10, 2006. In the office action the Examiner rejected claims 1-22 under 35 U.S.C. 102(a, b) as anticipated by Pitt III et al. (US 5,675,520).

After entry of this amendment, the pending claims are: claims 1-22.

Interviews with Examiner

Applicant's attorneys had phone interviews with the Examiner to discuss the pending claims and the differences between the pending claims and the reference cited by the Examiner. Applicant's attorneys pointed out that the data structure of claim 1 of the present application refers to a logical unit, while the memory system of the cited reference refers to a physical device.

To expedite the prosecution of the pending claims, Applicant's attorneys agreed to replace the term "control sequences" with "variable settings" in the pending claims to avoid confusion. Applicant's attorneys also proposed to amend claims 1 and 11, respectively, with the limitation "testing a third computer application program by executing, in sequence, said first and second application programs using said first and second sets of variable settings in said data structure to perform said first and second tasks automatically, wherein said first and second tasks utilize the third computer application program."

Claim Rejections under 35 U.S.C. 102

Claims 1-10

Claim 1, as amended, has five key elements:

- "supplying a data structure"

In computer science, a data structure is used to store data in a computer so that it can be used efficiently. Often a carefully-chosen data structure will allow a more efficient algorithm to be used. Furthermore, a data structure is a logical unit that can be implemented or stored within different types of computer hardware, such as a disk drive, random access memory, etc.

The Examiner contends that the memory system 30 of Pitt inherently acts as a data structure. Applicant respectfully disagrees. The term computer memory, as used in Pitt,

refers to physical parts of a digital computer which retain physical state (data) for some interval of time. Therefore, the term "memory system" in Pitt always refers to a physical device, not a logical unit.

- "while executing a first computer application program to perform a first task, automatically extracting a first set of variable settings in addition to performing the first task"

In the present application, the variable settings are **automatically** extracted when the first computer program is being executed.

But Pitt (col. 3, lines 63-67 and FIG. 1) is directed to the generic operation of a computer system. The CPU in Pitt performs one and only one task: executing program instructions provided by the operating system. When the operating system provides application program instructions, CPU executes the application program instructions. Pitt does not teach that the CPU performs any other task, such as automatically extracting a set of variable settings while executing the application program instructions.

As shown in page 33 and FIG. 4A of the present application, variable settings refer to multiple pairs of (variable, value) associated with an application program. For example, APPEXE 104 is a variable and MSWORKS.EXE is the variable's value in the embodiment shown in FIG. 4A. Pitt does not teach or suggest anything related to variable settings associated with an application program. Furthermore, the terms "variable", "setting", "variable setting" and the like are not used in Pitt (as confirmed by a search of the text of Pitt).

- "while executing a second computer application program to perform a second task, automatically extracting a second set of variable settings in addition to performing the second task"

Same as above.

- "loading said first set of variable settings and said second set of variable settings into said data structure so as to associate said first set of variable settings with said first computer application program and said second set of variable settings with said second computer application program"

In the present application, the two sets of extracted variable settings are stored in the data structure and associated with their respective computer application programs. The

variable settings are data associated with an application program. They are not program instructions and therefore they are not executed by a CPU.

As noted above, a data structure is different from a memory system. Pitt (col. 5, lines 62-67 and FIG. 2) teaches the method of loading an application program into a memory system and then executing its program instructions accordingly. As mentioned earlier, there is no teaching in Pitt related to extracting, storing, using or loading variable settings.

- "testing a third computer application program by executing, in sequence, said first and second computer application programs using said first and second sets of variable settings in said data structure to perform said first and second tasks automatically, wherein said first and second tasks utilize the third computer application program"

The extracted variable settings can be used for testing a third computer application program. To do so, the method of claim 1 executes, in sequence, the first and second computer application programs using the extracted variable settings to perform specific tasks because the tasks utilize the third computer application program. One example is to test a print driver by executing different application programs to print out various documents using the print driver. Different documents are printed using different variable settings and therefore different aspects of the print driver are tested.

Pitt (col. 4, lines 58-63 and FIG. 2) discloses a list of basic operating system functions, including file management, task scheduling, virtual memory operations, program loading and termination, and intertask communication. These functions are usually referred to as "system operation", not "application program." Moreover, none of the system operations involve the use of variable settings to test a particular application program or facility.

Therefore, claims 1-10 are not anticipated by the Pitt reference.

Claims 11-22

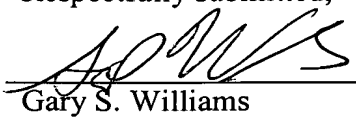
Claim 11, as amended, and its dependent claims are not anticipated by the Pitt reference for at least the same reasons as those discussed above with respect to claim 1.

Conclusion

In light of the above amendments and remarks, the Applicant respectfully requests that the Examiner reconsider this application with a view towards allowance. The Examiner is invited to call the undersigned attorney if a telephone call could help resolve any remaining items.

Respectfully submitted,

Date: April 6, 2006



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